

**IN THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO
CIVIL DIVISION AT COLUMBUS**

Michael Asamoah
2721 Woodcroft Road
Columbus, Ohio 43204

Case No. _____

v.

Capstone Logistics LLC.
HR Department
30 Technology Pkwy,
Suite 200
Peachtree Corners, GA 30092

**COMPLAINT UNDER OH Rev. Code Ch. 4112
AND JURY DEMAND**

&

Progressive Logistics Services, LLC
6525 The Corners Parkway # 520
Norcross, GA 30092

101 Colony Park Drive
Suite 300
Cumming, GA 30040

I. Parties

- A. Plaintiff Michael Asamoah is an African - American male over the age of 40 and a qualified person with a disability. Plaintiff resides in the city of Columbus in the state of Ohio and is a citizen of the United States of America. Plaintiff was employed by defendants.
- B. Defendant Capstone Logistics is a corporation formed under the laws of Ohio. Progressive Logistics Services, LLC doing business as Capstone Logistics LLC is a corporation formed under the laws of Ohio with its corporate headquarters in Peachtree Corners in the state of Georgia.
- C. During all relevant times, Defendant was Plaintiff's employer within the meaning of all applicable statutes.
- D. During all relevant times, Defendant employed more than 500 employees.

II. Jurisdiction

A. This court has jurisdiction under Ohio Rev. Code Ch.4112.

and/or

B. This court has jurisdiction under Ohio Rev. Code Ch. 4112.02

and/or

C. This court has jurisdiction under Ohio Rev. Code Section 2315.

IV. Statements of Claims

COUNT I

A. Plaintiff Alleges that Defendants violated the Disability Discrimination provisions of the Ohio Civil Rights Act.

1. Plaintiff was hired in May 2017 by defendant Capstone Logistics LLC and remained there as a great worker until he was forced to resign in November 2018 because Defendant regarded Plaintiff as having an impairment.
2. Capstone Logistics LLC Manager Justin White who is in charge of hiring and terminating made several offensive statements such as "you are getting too old for the job."
3. Capstone Logistics LLC Manager Justin White made these offensive comments in October of 2018.
4. Several days after making the offensive statement "you are getting too old for the job," Capstone Logistics LLC Manager Justin White hired an 18 year old employee named Jarred to replace plaintiff.
5. Plaintiff was faster and more efficient in performing his job than all the other associates.
6. Plaintiff was better in managing his time and completing his job assignment than all the Capstone Logistics, LLC associates.
7. Plaintiff had no disciplinary action taken against him while working for defendant.
8. There were never any performance issues with plaintiff
9. Plaintiff was never demoted.
10. Plaintiff never received any reduction in pay.

11. Plaintiff never received any external or internal complaint(s) while working for defendant.
12. Plaintiff was never presented or giving any Performance Improvement Plan(s)
13. In October and November of 2018, after hiring an 18 year old employee, Capstone Logistics LLC Manager Justin White would call Plaintiff and tell him to come in late to work for few hours.
14. In November of 2018, Capstone Logistics Manager Justin White forced Plaintiff to resign by calling and telling him not to come to work for several weeks.
15. Plaintiff was forced to resign by Capstone Logistics LLC Manager Justin White because he would call plaintiff and tell him that there is no work for him and that he should stay home.
16. There were no suspension paperwork, lay off paperwork or termination paperwork.
17. Despite the quality of work performed and completed by Plaintiff, defendant hired and replaced Plaintiff with an 18year old employee during the holidays.
18. Plaintiff was not getting any income from defendant. As a result, Plaintiff was forced to resign during the holidays.

COUNT II

- B. Plaintiff brings this action to Allege violations of the Ohio Fair Employment Practices Laws of the Ohio Revised Code 4112 which prohibits discrimination against an individual because of his race.
1. Plaintiff alleges that there was a discriminatory animus by Capstone Logistics LLC when its manager terminated plaintiff.
 2. Plaintiff, an African- American was hired by Capstone Logistics, LLC in May 2017 and remained there as a great worker until he was forced to resign in November 2018.
 3. Plaintiff was faster and more efficient in performing his job than other Capstone Logistics, LLC's associates.
 4. Plaintiff was better in managing his time and completing his job assignments than all the Capstone Logistics, LLC's associates.
 5. Plaintiff had no disciplinary action taken against him while working for defendant.
 6. There were never any performance issues while plaintiff worked for defendant.
 7. Plaintiff was never demoted.
 8. Plaintiff never received any reduction in pay.
 9. Plaintiff never received any external or internal complaint while working for defendant.
 10. Plaintiff was never presented or giving any Performance Improvement Plan
 11. There were no suspension paperwork, lay off paperwork or termination paperwork.

12. Despite the quality of work performed and completed by plaintiff, defendant hired and replaced plaintiff with an eighteen (18) year old white employee.

COUNT III

- C. Plaintiff brings this action Alleging there was Wrongful Discharge in Violation of Public Policy When Capstone Logistics' Supervisor Justin White forced Plaintiff to Resign.
 1. Plaintiff was hired in May 2017 by Defendant Capstone Logistics LLC and remained there as a great worker until he was forced to resign in November 2018.
 2. Plaintiff was hired to work from 11 p.m. until 7 a.m.
 3. Plaintiff worked 3rd shift for defendant from May 2017 until November 2018.
 4. Capstone Logistics LLC Manager Justin White who is in charge of hiring and terminating made several offensive statements such as "you are getting too old for the job."
 5. Capstone Logistics LLC Manager Justin White made these offensive comments in October and November of 2018.
 6. Several days after making the offensive statement "you are getting too old for the job," Capstone Logistics LLC Manager Justin White hired an eighteen (18) year old white employee named Jarred to replace plaintiff.
 7. After hiring the eighteen (18) year old white employee named Jarred, Capstone Logistics LLC Manager Justin White wanted plaintiff to work twelve (12) hours shift from 8p.m. until 8 a.m.
 8. Plaintiff refused to work the twelve (12) hours shift from 8 p.m. until 8 a.m.
 9. Plaintiff told Capstone Logistics LLC Manager Justin White that he could and was hired to work from 11 p.m. until 7 a.m.

10. In October and November of 2018, Capstone Logistics LLC Manager Justin White would call plaintiff and tell him to come in late to work for few hours.
11. In November of 2018, after hiring an eighteen (18) year old white employee, Capstone Logistics LLC Manager Justin White forced plaintiff to resign by calling and telling him not to come to work for several weeks.
12. Plaintiff was forced to resign by Capstone Logistics LLC Manager Justin White because he would call plaintiff and tell him that there is no work for him and that he should stay home.
13. Plaintiff was not getting any income from defendant. As a result, plaintiff was forced to resign during the holidays.
14. There were no overriding legitimate business reasons to force Plaintiff to resign who was an excellent worker.

COUNT IV

D. Plaintiff Alleges that Defendant Intentionally caused Plaintiff Emotional Distress.

1. Capstone Logistics LLC Manager Justin White conduct was extreme and outrageous.
2. Forcing Plaintiff to resign during the holidays was reckless and caused Plaintiff severe emotional distress.
3. Terminating Plaintiff who never had any performance issues and is a great worker during the holidays transcends all bounds of decency tolerated by our society.
4. Capstone Logistics LLC Manager Justin White intentionally forcing Plaintiff to resign proximately caused Plaintiff emotional distress.
5. Plaintiff suffered emotional distress.

V. RELIEF

Wherefore, Plaintiff respectfully requests judgment against the Defendant as follows:

1. Declaring that Defendant's conduct was outrageous and illegal.
2. Declaring that Defendant's conduct has violated Plaintiff's rights as secured by Ohio Civil Rights Act (Ohio Rev. Code Ch. 4112 et seq.).
3. An order compelling defendant to put plaintiff in the position he would have been but for defendant's wrongful conduct.
4. Awarding compensatory damages, liquidated and unliquidated on each and every cause of action, including but not limited to damages for mental distress and humiliation, embarrassment, degradation, emotional and physical distress, and other non-pecuniary losses as will fully compensate plaintiff for the injuries caused by defendant's discriminatory conduct.
5. Awarding back pay and unpaid wages on each and every cause of action.
6. Awarding wage loss.
7. Awarding lost earnings and benefits.
8. Awarding front pay.
9. Awarding lost medical and dental insurance.
10. Awarding lost retirement plans benefits.
11. Awarding lost stock options and profit sharing.
12. Awarding job-search costs.
13. Awarding special and punitive damages on each and every cause of action.
14. Awarding such other and additional relief as may be necessary to make Plaintiff whole on each and every cause of action.

15. Awarding emotional and medical damages.
16. Awarding attorney's fees in prosecuting this action.
17. Awarding Plaintiff his costs and disbursements in prosecuting this action.
18. Awarding such other equitable relief as this court deems just and proper.

19. Awarding \$ 25 Million for total damages

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Ohio Rules of Civil Procedure, Plaintiff demands a jury trial.



Michael Asamoah

Attorney for Plaintiff

11-30-2020

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020, a true and accurate copy of the foregoing was sent to:

Capstone Logistics, LLC

HR Department
30 Technology Pkwy.
Suite 200
Peachtree Corners, GA 30092

Progressive Logistics Services, LLC
101 Colony Park Drive
Suite 300
Cumming, GA 30040

Progressive Logistics Services, LLC
6525 The Corners Parkway # 520
Norcross, GA 30092


Michael Asamoah
Attorney for Plaintiff

2721 Woodcroft Road
Columbus, Ohio 43204

(614) 274 - 9446

11-30-2020



FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO

2020 DEC 23 AM 9:31

Date Produced: 12/21/2020

CLERK OF COURTS

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2806 8189 27. Our records indicate that this item was delivered on 12/14/2020 at 02:39 p.m. in PEACHTREE CORNERS, GA 30092. The scanned image of the recipient information is provided below.

Signature of Recipient :

[Handwritten Signature]
SF 221 219

Address of Recipient :

30 Tech
PKWY # 200

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United States Postal Service

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0F333 - R79

MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS**

JULIE LYNCH

CASE TITLE: MICHAEL ASAMOAH -VS- CAPSTONE LOGISTICS LLC ET AL CASE NUMBER: 20CV007697

CLERK'S ORIGINAL CASE SCHEDULE

	LATEST TIME OF OCCURRENCE
TRIAL ASSIGNMENT	12/13/21 0900AM
CASE FILED	11/30/20
INITIAL STATUS CONFERENCE	*****
INITIAL JOINT DISCLOSURE OF ALL WITNESSES	04/19/21
SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES	06/14/21
DISPOSITIVE MOTIONS	09/06/21
DISCOVERY CUT-OFF	09/20/21
DECISIONS ON MOTIONS	11/01/21
FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)	11/16/21 0900AM

PURSUANT TO LOC.R. 9.02(B) OF THE FRANKLIN COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION—If a party initiating a civil action believes that he/she is unable to pay cost, an affidavit of indigency must be filed and the following financial disclosure made:

FINANCIAL DISCLOSURE

1. Employment and salary for the past 12 months:

Employers name(s) and address(es):

Daily Services, LLC - 1110 Morse Rd. Col. OH 43229
Amazon.Com Services, Inc. P.O. Box 80726, Seattle, WA 98108

Total Salary Paid to you in the past 12 months: \$ 22,000. —

2. Public Assistance received by you in the past twelve months:

\$ — 0 —

3. Total assets, excluding family furnishings:

\$ — 0 —

4. Bank balances: \$ 15.00

5. Number of Dependents: 4

Attach a copy of your federal income tax return from the previous year. If you did not file a federal income tax return during the previous year, state the reason why:

AFFIDAVIT OF INDIGENCY

I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge, and I further attest that I am without sufficient funds to pay the fees required for filing a civil action in the Franklin County Court of Common Pleas.

Mitchell Adams

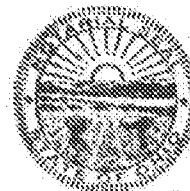
AFFIANT'S SIGNATURE

2721 Woodcraft Road

ADDRESS

Columbus, OH 43204

CITY, STATE, ZIP CODE



JUDY A. FAIR-RAPHAEL
Notary Public, State of Ohio
My Commission Expires Oct. 13, 2025

NOTARY PUBLIC: Subscribed and duly sworn before me according to law, by the above named applicant

this 30th day of November, 2020.

Judy A. Fair-Raphael
NOTARY SIGNATURE

0F333-2-R77

001662

078-72-4682

18777.28

1164.20

18777.28

272.28

Daily Services, LLC

1110 Morse Road

Columbus, OH 43229

Michael Asamoah

2721 Woodcroft Road

Columbus, OH 43204

001845

Form W-2 Wage and Tax Statement

Department of the Treasury—Internal Revenue Service

2019 W-2 EARNINGS SUMMARY

Employee Reference Copy

W-2 Wage and Tax Statement 2019

187248 LOS2/YIK

109200

21260

AMAZON COM SERVICES INC

PO BOX 80726

SEATTLE WA 98108

Batch #01662

MICHAEL ASAMOAH

2721 WOODCROFT ROAD

2721 WOODCROFT ROAD

COLUMBUS OH 43204

187248

109200

21260

4058.09

251.60

58.84

4058.09

4058.09

101.46

01-COLUM

This blue section is your Earnings Summary which provides more detailed information on the generation of your W-2 statement and W-4 profile. The reverse side includes instructions and other general information.

1. Your Gross Pay was adjusted as follows to produce your W-2

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	OH, State Wages, Tips, Etc. Box 16 of W-2	01-COLUM Local Wages, Tips, Etc. Box 18 of W-2
Gross Pay	4,058.09	4,058.09	4,058.09	4,058.09
Reported W-2 Wages	4,058.09	4,058.09	4,058.09	4,058.09

2. Employee Current W-4 Profile. To make changes, file a new W-4 with your payroll department.

MICHAEL ASAMOAH
2721 WOODCROFT ROAD
2721 WOODCROFT ROAD
COLUMBUS OH 43204

Social Security Number: 078-72-4682
Taxable Marital Status: SINGLE
Exemptions/Allowances:
FEDERAL: 2 Tax Exempt
STATE: 0
LOCAL: